

**FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

TRAVIS WAYNE VAVRA,

Defendant.

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CRIMINAL NO. EP-20-CR-00065-DCG

JOINT PROPOSED STATEMENT OF THE CASE AND VOIR DIRE QUESTIONS

The United States of America, by and through the United States Attorney for the Western District of Texas and undersigned Assistant United States Attorney, and the Defendant, TRAVIS WAYNE VAVRA, by and through counsel, and hereby move this Court to allow the presentation of the following statement of the case and *voir dire* questions to the jury panel and further requests leave to submit any supplemental questions as may become necessary and proper:

Statement of the Case

Travis Wayne Vavra, a long-haul tractor trailer driver, was arrested on December 6, 2019. Mr. Vavra, from approximately September 2015 up until June 2019, had developed a close relationship with R.S., a minor child, and R.S.'s family. During the course of that relationship, Mr. Vavra took R.S., with R.S.'s mother's knowledge and permission, on multiple long-distance, interstate trips in his truck. Ultimately, R.S. alleged to his father that Mr. Vavra had sexually assaulted him on several of these interstate trips. F.B.I. agents subsequently allegedly found images and videos depicting child sexual exploitation material on a cell phone in Mr. Vavra's possession at the time of his arrest.

Government's Proposed Questions

(a) Law Enforcement Related Questions

1. Is there anyone who has had a negative experience with a law enforcement official?

GRANTED DENIED
2. Does anyone have any strong feelings, for or against, the Federal Bureau of Investigations, or FBI?

GRANTED DENIED
3. Does anyone have any strong feelings, for or against, the Department of Justice?

GRANTED DENIED
4. Does anyone have any strong feelings, for or against, the U.S. Army Criminal Investigation Command?

GRANTED DENIED
5. Does anyone have any strong feelings, for or against, the Advocacy Center for the Children of El Paso?

GRANTED DENIED

(b) Sex Crimes, Generally

6. The indictment charges the Defendant with one count of transportation of minors to engage in criminal sexual activity and one count of possession of a visual depiction involving the sexual exploitation of a minor (prepubescent/under 12 years of age). Do any of you have any values, beliefs, or opinions that would prevent you from finding the defendant guilty of these charges if the government proves every element of a particular charge in this case beyond a reasonable doubt?

GRANTED DENIED
7. Knowing that this case involves sexual acts between an adult and an individual under the age of 18, is there anyone who feels they could not be a fair and impartial juror in this case?

GRANTED DENIED

8. Reading, seeing, and hearing some of the evidence in this case might be distasteful, offensive or unpleasant. However, the prospect of having to see distasteful, offensive or unpleasant evidence is not a basis to avoid the responsibility of jury service. Many cases, both criminal and civil, involve unpleasant things. If we excused prospective jurors on the ground that jury duty makes demands -- including some unpleasant demands -- then we could not function. Moreover, the parties have the right to expect that prospective jurors will not seek to avoid jury service simply because they would rather not serve, or because they would like to avoid some unpleasantness. In light of that, are there compelling reasons why you believe that you could not be an impartial juror -- that is to consider all of the evidence and follow the law -- because matters that might be distasteful, offensive and unpleasant to view will be presented as evidence in the trial?

GRANTED DENIED

9. Does any member of the jury panel believe they will have difficulty discussing sexual matters openly with your fellow jurors during jury deliberations, if necessary?

GRANTED DENIED

10. Does anyone here know someone who, as a child, was the victim of sexual abuse? If yes, please explain the circumstances.

GRANTED DENIED

11. Do any of you have difficulty believing that a child victim of sexual abuse might be too embarrassed or too afraid to openly discuss and report the crime?

GRANTED DENIED

12. Does it make sense to you that children may not disclose their sexual abuse, or be too ashamed or embarrassed to do so, even as they approach adulthood?

GRANTED DENIED

13. Do any of you believe that a minor under 18 is capable of consenting to sex with an adult? Do any of you have trouble accepting the proposition that a person does not reach the age of legal consent until he or she is 18 years of age?

GRANTED DENIED

14. Have you, a family member, or a close friend ever been accused of sexual violence or assault, or any kind of child abuse (including sexual abuse)? If yes, please answer the following:

- a. describe the accusation;
- b. was there a police or social service investigation;
- c. was the matter ever resolved;
- d. if yes, please explain;
- e. do you believe you or the person was treated fairly; and was the matter resolved to your satisfaction?

GRANTED DENIED

15. Have you ever known anyone who you thought was falsely accused of sexual violence or assault, or of any kind child abuse (including sexual abuse)? If yes, please explain the circumstances.

GRANTED DENIED

16. Does anyone believe they can tell by looking at someone whether he committed a sexual offense?

GRANTED DENIED

17. Does everyone agree that there is no one certain or specific profile of a person who commits sexual assault?

GRANTED DENIED

Defense's Proposed Questions

1. Do you understand that the government is required by law to prove the defendant guilty beyond a reasonable doubt?

GRANTED DENIED

2. If the government fails to meet that burden, do you understand that you must find the defendant not guilty?

GRANTED DENIED

3. Do you have any difficulty presuming the defendant innocent now?

GRANTED DENIED

4. Do you understand that an indictment is only a piece of paper which notifies the defendant that he is being charged with a crime?

GRANTED DENIED

5. Do you understand that an indictment is not evidence that the crime charged was committed and may not be considered as evidence by you in deliberations?

GRANTED DENIED

6. Do you or do any members of your family or friends know the Assistant United States Attorneys who will be prosecuting this case?

GRANTED DENIED

7. Are any of you, family members, or friends employed by the federal government, including the United States Attorney's office?

GRANTED DENIED

8. Do you or do any members of your family or friends know the defense attorneys?

GRANTED DENIED

9. Do you know or recognize any other prospective jury panelist in the courtroom? If so, what is the basis of the relationship? Would such a relationship or acquaintance influence your judgment in this case?

GRANTED DENIED

10. Have you ever applied for a job with or worked for a law enforcement agency or in the security field?

GRANTED DENIED

11. Do you have any relatives or friends who have applied with or work in law enforcement?

GRANTED DENIED

12. The defendant has already pleaded not guilty to these charges. How many of you feel you would like to hear his side of the story?

GRANTED DENIED

13. Do you understand that the defendant does not have to testify at trial and nothing can be inferred from him not testifying?

GRANTED DENIED

14. On a scale of 1-10, with '1' meaning the weakest and '10' meaning the strongest, how strongly do you feel about the need to hear the defendant testify?

GRANTED DENIED

15. How many of you believe there are legitimate reasons not to testify, such as anxiety speaking in front of others, lack of understanding of the language, lack of education or an inability to express oneself?

GRANTED DENIED

16. How many of you have ever heard of a person being accused of a crime or punished for crime when he was innocent?

GRANTED DENIED

17. Have you ever been accused of something you did not do?

GRANTED DENIED

18. Would any of you tend to give any greater weight or credibility, no matter how slight, to the testimony of a law enforcement officer or agent or prosecution witness merely because they are employees of or are testifying on behalf of the government?

GRANTED DENIED

19. Would you give their testimony greater weight or credibility over that of the defendant or witnesses on his behalf?

GRANTED DENIED

20. If a law enforcement officer gave one version of a statement and the defendant gave another version, how would you decide credibility?

GRANTED DENIED

21. Would any of you tend to give any greater weight or credibility, no matter how slight, to the testimony of an alleged victim, merely because they made allegations of abuse?

GRANTED DENIED

22. Would you give their testimony greater weight or credibility over that of the defendant or witnesses on his behalf?

GRANTED DENIED

23. If an alleged victim gave one version of a statement and the defendant gave another version, how would you decide credibility?

GRANTED DENIED

24. This case may involve testimony describing sexual conduct, including allegations of both legal and illegal sexual behavior. Do you hold any religious, moral, or personal beliefs that would inhibit your ability to hear this type of testimony?

GRANTED DENIED

25. This case involves allegations of transportation of a minor to engage in criminal sexual activity and possession of a visual depiction involving a minor engaged in sexually explicit conduct. Is there anything about these charges that you feel would prohibit your ability to sit as a juror in this case?

GRANTED DENIED

26. Have you, your friends, relatives, or co-workers been the victim of a sexual assault or sexual abuse? If the answer is yes: Would it affect your ability to view the evidence fairly and impartially in this case if assaults are alleged?

GRANTED DENIED

27. Have you, your friends, relatives, or co-workers been the victim of any type of abuse as a child? If the answer is yes: Would it affect your ability to view the evidence fairly and impartially in this case if abuse of a child is alleged?

GRANTED DENIED

28. Have you been exposed to, through any form of media (TV, radio, social media), any discussion regarding an increase in the number of sex trafficking incidents or other similar crimes, or the need to more zealously pursue such incidents?

GRANTED DENIED

29. Have you heard of the term “grooming” in the context of sexual abuse? Does your understanding of this term lead you to have any preconceived notions about the behavior of sexual offenders?

GRANTED DENIED

30. Would evidence of prior allegations of misconduct by a defendant lead you to assume a defendant is guilty of presently charged crimes? Would such allegations prevent you from fairly and impartially assessing a defendant’s guilty with respect to present charges?

GRANTED DENIED

31. Do you believe that an individual who views pornography (either heterosexual or homosexual) is more likely to engage in criminal sexual behavior?

GRANTED DENIED

32. This case involves allegations of possession of child pornography and transporting a minor for the purposes of sexual criminal activity. Would you infer that if the defendant is guilty of one of these offenses, he is necessarily guilty or more likely to be guilty of the other? Would you be able to judge the evidence for each offense separately and fairly?

GRANTED DENIED

33. Have you previously served on a jury? Civil or Criminal?

GRANTED DENIED

34. Have you ever served on a federal or state grand jury?

GRANTED DENIED

35. Will you be able to be a fair and impartial juror in this case?

GRANTED DENIED

Respectfully Submitted,

ASHLEY C. HOFF
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